

### **REMARKS**

Claims 1-3, 21-26 are presently pending. Claims 4-20 are cancelled without prejudice. Claims 22-26 are added.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious from Abe in view of De Lima Araujo. Claim 1 is amended to recite, among other limitations, "Spectrally flattening the portion of the audio signal, thereby resulting in a spectrally flattened decimated portion of the audio signal; Calculating a plurality of linear prediction coefficients (LPC) for the spectrally flattened a portion of the audio signal".

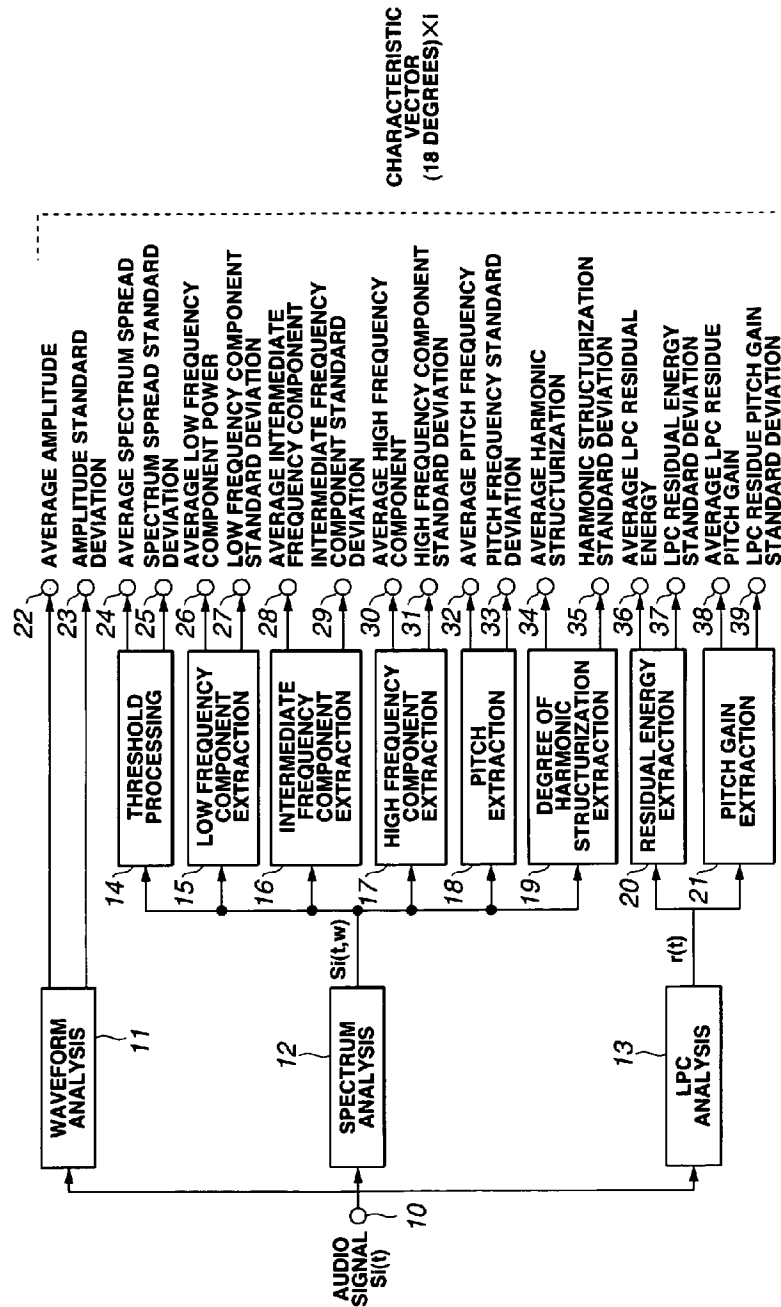
Examiner has indicated that Abe teaches:

- (1) "calculating a plurality of linear prediction coefficients (LPC) for a portion of the audio signal (Fig. 3, item 13 and related text", Office Action (OA) 8/4/2008 at 2; and
- (2) "spectrally flattening the portion of the audio signal (Fig. 3, item 15 and related text)", OA at 3.

Assignee respectfully submits that, for the sake of argument, even if (1) and (2) are true, Abe in view of De Lima Araujo does not teach "Calculating a plurality of linear prediction coefficients (LPC) for the *spectrally flattened portion* of the audio signal".

As can be seen in Abe, Figure 3, shown below, item 15 (upon which Examiner reads "spectrally flattening the portion of the audio signal) is not received by the "LPC Analysis 13" (upon which Examiner reads "calculating a plurality of linear prediction coefficients..."). Accordingly the combination of Abe in view of Arujo does not teach "Calculating a plurality of linear prediction coefficients

(LPC) for the spectrally flattened portion of the audio signal".



**FIG.3**

Accordingly, Assignee respectfully requests that Examiner withdraw the rejection to claims 1 and dependent claims 2, 3, 21, and 22. Additionally, Assignee requests allowance of claim 23 and dependent claims 24-26.

Claim 22 is amended to recite, among other limitations, "Decimating the portion of the audio signal, thereby resulting in a decimated portion of the audio signal; and wherein spectrally flattening the portion of the audio signal further comprises spectrally flattening the decimated portion of the audio signal".

Examiner has indicated that

(1) "The frequency width and high frequency components determination, calculations performed in Abe's spectrum analysis (Abe, Fig. 3, element 12), would not be affected by De Lima Araujo's decimation because the decimation will occur in Abe's LPS analysis (Abe, Fig. 3, element 21 [13?] and related text)." Final Office Action at 2.

(2) "Abe and De Lima Araujo disclose the method of claim 1, further comprising: spectrally flattening the portion of the audio signal (Fig. 3, item 15 and related text)." OA at 3.

Assignee respectfully submits that, for the sake of argument, even if (1) and (2) are true, the combination of Abe in view of De Lima Araujo does not teach "Spectrally flattening the decimated portion comprising the predetermined portion, thereby resulting in a spectrally flattened decimated portion".

If "the decimation will occur in Abe's LPC analysis", and "spectrally flattening the portion" occurs at Fig. 3, item 15, item 15 would not receive a decimated signal. Accordingly, Abe in view of De Lima Araujo does not teach "Spectrally flattening the decimated portion comprising the predetermined portion, thereby resulting in a spectrally flattened decimated portion".

Accordingly, Assignee requests allowance for claim 22 and 26.

**CONCLUSION**

For at least the foregoing reasons, each of the pending claims is in a condition for allowance. Examiner is requested to pass this case to issuance.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,



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